

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES JONES,

Plaintiff,

v.

Case No. 2:06-cv-299
HON. R. ALLAN EDGAR

RICK WERTANEN, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff James Jones filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against several employees of the Michigan Department of Corrections employed at the Carson City Correctional Facility. On November 6, 2008, defendants filed a Suggestion of Death, establishing that defendant Jon Jackola died on January 14, 2008. No motion for substitution has been filed by any party within the time required by law. Accordingly, it is recommended that defendant Jon Jackola be dismissed from this action, pursuant to Federal Rule of Civil Procedure 25(a)(1).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley

TIMOTHY P. GREELEY

UNITED STATES MAGISTRATE JUDGE

Dated: March 5, 2009